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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DAVID SABINO QUAIR, III,
12 Plaintiff,

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14 v.

15 OFFICER CRU, et al.,
16 Defendants.
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No. 1:21-cv-00560-NONE-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DIRECTING
PAYMENT OF FILING FEE

(Doc. Nos. 2, 5)

30-DAY DEADLINE

19 Plaintiff David Sabino Quair is a prisoner proceeding *pro se* in this civil rights action under
20 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28
21 U.S.C. § 636(b)(1) and Local Rule 302.

22 On April 8, 2021, the assigned magistrate judge issued an amended order granting
23 plaintiff's application to proceed *in forma pauperis* ("IFP") (Doc. No. 2), pursuant to 28 U.S.C.
24 § 1915, and directing the Sheriff Department officials at the Kings County Jail to collect the
25 required filing fee payments from plaintiff's jail trust account and forward them to the Clerk of
26 Court. (Doc. No. 4.)

27 On April 21, 2021, the assigned magistrate judge vacated the amended order granting
28 plaintiff's IFP application. (Doc. No. 5.) The magistrate judge also issued findings and

1 recommendations, recommending that plaintiff's IFP application be denied because, prior to filing
2 suit, plaintiff had accrued more than three "strike" dismissals under 28 U.S.C. § 1915(g). (Doc.
3 No. 5.) The magistrate judge further found that the allegations in plaintiff's complaint failed to
4 show that plaintiff was under imminent danger of serious physical injury at the time he filed this
5 action. (*Id.* at 2–3.) No objections to the findings and recommendations were filed and the time to
6 do so has passed.

7 In accordance with the provisions of 28 U.S.C. § 626(b)(1)(C), this court has conducted a
8 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
9 and recommendations to be supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on April 21, 2021 (Doc. No. 5) are
12 adopted in full;
- 13 2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 14 3. Within thirty (30) days of the date of service of this order, Plaintiff shall pay the
15 filing fee of \$402 in full to proceed with this action;
- 16 4. Failure to pay the filing fee within the time provided will result in dismissal of this
17 action; and
- 18 5. The Clerk of Court is directed to serve a copy of this order on the Kings County
19 Jail and on the Financial Department of the U.S. District Court for the Eastern
20 District of California.

21 IT IS SO ORDERED.

22 Dated: **June 25, 2021**

23 
UNITED STATES DISTRICT JUDGE